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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,175	09/30/2003	Paul Anthony Rhea	60046.0025US01	5911
53377	7590	11/07/2006	EXAMINER	
HOPE BALDAUFF HARTMAN, LLC			RIAD, AMINE	
P.O. BOX 2825			ART UNIT	
ATLANTA, GA 30301			PAPER NUMBER	
			2113	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/675,175		RHEA ET AL.	
	Examiner		Art Unit	
	Amine Riad		2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,13,14,19 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12,15-18 and 21-30 is/are allowed.
- 6) ☐ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) 5-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed action

Claims 1-30 have been presented for examination.

Claims 1-4 have been rejected.

Claims 9-12, 15-18, 21, 22, 23-26, 27-30 are allowed.

Claims 5-6 have been objected to.

Claims 7-8, 13-14, 19-20 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyes US Patent 6,516,427.

In regard to claims 1

Keyes discloses a method for providing and executing a diagnostics module in direct response to a user request (The service person in figure 1 is considered the user of item 12), the method comprising:

- retrieving a control object from a diagnostics server computer (Column 3; lines 7-8 "The response message instructs the peripheral to execute a diagnostic subroutine." [Examiner considers the instruction to execute a diagnostics as retrieving a control object from the diagnostic server])

- storing at a client computer a control object operative to retrieve the diagnostics module in response to the user request, (Figure 1; item 24 [in (Column 3; lines 47-48) Keyes discloses an event registration and detection routine (Item 24) which is a general purpose computing software/firmware module that functions with CPU 14 to execute diagnostics.subroutines]) to store the diagnostics module at the client computer,(Column 4; lines 42-46 [to run a resident diagnostics subroutine means that diagnostics is already stored in the peripheral device considered here as a client computer]) to determine whether execution of the diagnostics module is authorized (Column 4; lines 24-26 [In this passage Keyes discloses that an authorized person registers item 12 with item 34 which means that item 12 would know from where to request diagnostics]) in (Column 4; lines 36-39 [In this passage Keyes adds that since the HTTP request message is initiated within firewall 32, firewall 32 allows the establishment of the diagnostics execution connection, this is considered as an authorization for diagnostics module execution])and, in response to determining that execution of the diagnostics module is authorized, to execute the diagnostics module. (Column 4; lines 44-46)

In regard to claim 2,

Keyes discloses the method of Claim 1, wherein the diagnostics module comprises computer code executable only in response to commands issued by the control object.(Column 4; lines 45-46 [dispatching a request message means sending a command to execute code within the diagnostics subroutine by the JVM])

In regard to claim 3,

Keyes discloses the method of Claim 1, wherein determining whether the execution of the diagnostics module is authorized comprises transmitting a request to the diagnostics server computer for authorization to execute the diagnostics module.(Column 4; lines 31-35 In this passage Keyes sends for a request to execute a diagnostics module. In column 4; lines 38-39 the authorization is determined because the request message I initiated within firewall)

In regard to claim 4,

Keyes discloses the method of Claim 1, wherein retrieving the diagnostics module comprises transmitting a request to the diagnostics server computer for authorization to retrieve the diagnostics module, (Column 4; lines 36-37) receiving authorization to retrieve the diagnostics module, (Column 4; lines 37-39 when firewall initiates the connection it is considered as authorized) transmitting a request to the diagnostics server computer for the diagnostics module in response to receiving the authorization to retrieve the diagnostics module and, receiving the diagnostics module from the diagnostics server computer.(Column 4; lines 42-45)

Response to Applicant Argument

Applicant arguments filed on August 25, 2006 have been fully considered, and are not persuasive.

In regard to the first argument which states "Keyes does not teach or suggest a method for providing and executing a diagnostics module in direct response to a user request as recited by claim 1" Examiner respectfully disagrees. Examiner points Applicant to figure 1 that shows a **service person** beneath the remote diagnostic device. Examiner understands that a service person such as an administrator sends request through keyboard or mouse inputs. The previous demonstration makes Applicant's argument invalid.

In regard to the second argument which states "This is not analogous to the method recited by claim 1 because Keyes fails to teach or suggest retrieving the event registration and detection routine from the RDD" Examiner respectfully disagrees. Examiner did not notice that the claim language of claim 1 included "retrieving the event registration and detection routine from the diagnostics server" Examiner reminds Applicant, that the arguments have to be based on the claim language not on the comparison of the application and the reference.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Amine Riad

Patent Examiner

10/25/2006

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10/25/2006